



**United States Copyright Office**

Library of Congress · 101 Independence Avenue SE · Washington, DC 20559-6000 · [www.copyright.gov](http://www.copyright.gov)

**FOIA Docket No. 28/2019**

May 29, 2019

Emma Best

***Via Electronic Mail Only: 73659-93651748@requests.muckrock.com***

Dear Ms. Best,

This is a response to your second Freedom of Information Act (FOIA) request received by the U.S. Copyright Office on May 21, 2019. You requested

- “Documents generated as part of the creation of the FOIA office (defined as whatever department, office, or coordinator is responsible for overseeing and/or processing FOIA requests), whether this was at the time of the agency's creation or the passage of the Freedom of Information Act, to include:
  1. The instruction to do so from the Agency, as well as any guidance from the senior leadership;
  2. Documents discussing proposals and procedures;
  3. Any legal guidance or analysis produced or acquired by the Agency in response to or as part of the creation of the FOIA office;
  4. Internal documents from the press office, legislative liaison's office (or equivalent), general counsel's office (or equivalent), director's office (or equivalent) or the newly created FOIA office, reacting to or characterizing the office and its creation
- A copy of the agency's first perfected (successful) FOIA request
- Copies of other FOIA requests filed before the FOIA request described above
- Processing notes, search slips and response documents regarding the FOIA requests described above
- The first set of guidelines, instructions and/or forms created to control the agency's processing of FOIA requests
- A copy of the agency's first successful FOIA appeal
- Copies of other FOIA appeals received by the agency before the appeal described above
- Processing notes, search slips and response documents regarding the FOIA appeals described above

- The first set of guidelines, instructions and/or forms created to control the agency's processing of FOIA appeals.”

The Copyright Office issued its initial final regulation governing FOIA procedures on December 29, 1977, upon implementation of the Copyright Act of 1976. *See* 43 Fed. Reg. 774 (available at <https://www.govinfo.gov/content/pkg/FR-1978-01-04/pdf/FR-1978-01-04.pdf#page=32>). Pursuant to the Library of Congress' Records Control Schedule, the Office is required to transfer to the National Archives and Records Administration all “Office practices, memoranda, and studies and other final documents that are not published in the Federal Register” fifteen years after the record's creation. *See* Library of Congress, “Library of Congress Records Schedule” § 1916. In addition, the Office routinely destroys case files created in response to requests for information under FOIA six years after final agency action or three years after final adjudication by the courts, whichever is later. *See id.* § 211. Accordingly, the Copyright Office maintains no records responsive to your request.

### **FOIA Administrative Procedures**

*File closed if no response in 90 days.* The Copyright Office is sending you this letter because processing for your request is completed. For administrative reasons, the file for this FOIA request will be closed as of the date of this letter if you do not choose to respond or otherwise contact our office again about this request within thirty business days after that date. However, you are welcome to contact us again at a later date to renew your request.

If you do contact us again about this request, please reference Docket No. 28/2019 or provide a copy of at least the first page of this letter. You may write to us at the following address: U.S. Copyright Office, FOIA Requester Service Center, GC/PIE, P.O. Box 70400, Washington, D.C. 20024.

*Right to appeal.* In addition, should you believe that this response to your FOIA request constitutes an improper denial of a valid FOIA request, you may file a written appeal within ninety (90) calendar days of the date of this letter. Write “APPEAL” on the envelope in a prominently visible manner and send it to this address: Office of the General Counsel, Copyright GC/PIE, P.O. Box 70400, Washington, D.C. 20024. Your letter should explain your arguments and any legal basis for your objection to a refusal to release the records you requested or other basis for disagreement. Also, please reference Docket No. 28/2019 for this FOIA request or provide a copy of at least the first page of this letter.

*Right to seek dispute resolution.* You can also seek dispute resolution services from the Office of Government Information Services (OGIS), within the National Archives and Records Administration. If you choose to do so, please refer to this page

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for more information: <https://ogis.archives.gov/mediation-program/request-assistance.htm>. Otherwise, you can email them at [ogis@nara.gov](mailto:ogis@nara.gov) or contact them by regular mail at the following address:

Office of Government Information Services (OGIS)  
National Archives and Records Administration  
8601 Adelphi Road  
College Park, MD 20740-6001

Sincerely,

A handwritten signature in cursive script, appearing to read "Catherine Zaller Rowland".

Catherine Zaller Rowland  
Associate Register of Copyrights and  
Director of Public Information & Education  
U.S. Copyright Office